

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FERMIN PENA,

Petitioner,

08 Civ. 3828 (SHS) (THK)

-against-

H.D. GRAHAM,

Respondent.

AMENDED ORDER

-----X  
THEODORE H. KATZ, United States Magistrate Judge.

Respondent has advised the Court that he never received a copy of the Petition and Order sent by the Court, which set a schedule for addressing the Petition. Therefore, the schedule is hereby amended:

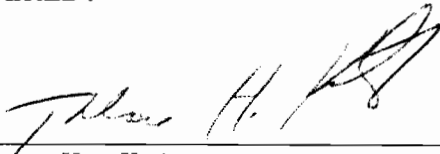
ORDERED, that the Clerk shall serve, by certified mail, a copy of this Order and the Petition herein upon the Attorney General of the State of New York and the District Attorney of the County of Bronx; and it is further

ORDERED, that Respondent serve and file an answer to the Petition by August 22, 2008; Respondent shall address the merits of the Petition and the satisfaction of any procedural prerequisites; the answer should be provided in hard copy as well as on a 3 ½ " x 5" diskette in a form compatible with WordPerfect 12; and it is further

ORDERED, that Respondent submit to this Court with its answer a copy of relevant portions of the state court record from the state actions(s) arising out of the conviction attacked herein, including, but not limited to, trial transcripts, sentencing minutes, trial court and appellate decisions, appellate briefs and post-trial motions and decisions; and it is further

ORDERED, that any reply by Petitioner to Respondent's submissions shall be filed and served by September 12, 2008.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Theodore H. Katz', is written over a horizontal line.

Theodore H. Katz  
United States Magistrate Judge

Dated: July 21, 2008  
New York, New York

Copies mailed this date to:

Fermin Pena  
03-A-1587  
Auburn Correctional Facility  
P.O. 618  
Auburn, NY 13024